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ONYX PHARMACEUTICALS, INC.
3031 RESEARCH DRIVE
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OFFICE OF PETITIONS

In re Application of :
Shen et al. :
Application No. 10/669,768 : DECISION DISMISSING
Deposited: 24 September, 2003 : PETITION
Attorney Docket No. ONYX 1047-DIV :

This is a decision in reference to the petition filed on 27 July, 2004, which is treated as a petition requesting that the above-identified application, which is treated as a petition requesting that the above identified application be accorded a filing date of 24 September, 2003, with six (6) sheets of drawings as a part of the original disclosure.

The petition is dismissed.

On 24 September, 2003, the application was deposited. Accordingly, on 7 July, 2004, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating that the application had been deposited without drawings, and that the filing date would be the date that drawings were received in compliance with 35 U.S.C. § 113 (first sentence). A two (2)-month period for reply was set.

The present petition was filed on 27 July, 2004. Petitioners assert that six (6) sheets of drawings were present on filing. In support, a copy of petitioners' return receipt postcard was supplied with the present petition. The postcard shows a Office date stamp of 09/24/03 and the above-identified application and itemizes the filing of, *inter alia*, six (6) sheets of formal drawings.

A review of the official file reveals that a copy of the six (6) sheets of drawings cannot be located among the papers received with the present petition. Petitioners must supply a copy of the six (6) sheets of drawings allegedly filed with the application papers.

As such, the petition is dismissed without prejudice to reconsideration pending submission of a copy of the six (6) sheets of drawings filed with the original application papers.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended.¹

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (703) 872-9306
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By hand: U.S. Patent and Trademark Office
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 Customer Window, Mail Stop Petition
 Crystal Plaza 2, Lobby, Room 1B03
 Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

¹37 CFR 1.181(f).